

**U.S. District Court
Eastern District of California – Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:11-cv-02799-MCE-CMK**

(PS) Jones v. Office of Workers' Compensation Programs
Assigned to: Chief Judge Morrison C. England, Jr
Referred to: Magistrate Judge Craig M. Kellison
Demand: \$300,000
Cause: 05:552 Freedom of Information Act

Date Filed: 10/24/2011
Date Terminated: 05/13/2013
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Michael R. Jones**

represented by **Michael R. Jones**
P.O. Box 222
McArthur, CA 96056
530-227-8779
PRO SE

V.

Defendant

**Office of Workers' Compensation
Programs
OWCP**

represented by **Yoshinori H. T. Himel**
United States Attorney's Office
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/24/2011	<u>1</u>	COMPLAINT against Office of Workers' Compensation Programs by Michael R Jones. (Attachments: # <u>1</u> Civil Cover Sheet)(Meuleman, A) (Entered: 10/25/2011)
10/24/2011	<u>2</u>	MOTION to PROCEED IN FORMA PAUPERIS by Michael R Jones. (Meuleman, A) (Entered: 10/25/2011)
10/25/2011		APPLICATION TO PROCEED IFP filed – Action Required. (Meuleman, A) (Entered: 10/25/2011)
10/27/2011	<u>3</u>	ORDER signed by Magistrate Judge Craig M. Kellison on 10/27/2011 GRANTING <u>2</u> Motion to Proceed IFP. (Michel, G) (Entered: 10/27/2011)
10/27/2011		SERVICE BY MAIL: <u>3</u> Order on Motion to Proceed in forma pauperis served on Michael R. Jones. (Michel, G) (Entered: 10/27/2011)
11/15/2011	<u>4</u>	ORDER signed by Magistrate Judge Craig M. Kellison on 11/14/11 ORDERING that the Clerk of the Court shall issue a summons in a civil case, the undersigneds new case documents, and an order setting this matter for an initial scheduling conference; Clerk of the Court shall send plaintiff the summons, one USM-285 form, and a copy of the complaint; Within 15 days from the date of this order, plaintiff shall complete the summons by indicating the addresses of the named defendants and shall submit to the United States Marshal at the address indicated below the appropriate documents (see order for details). Clerk of the Court is directed to serve a copy of this order on the United States Marshal. (cc USM)(Dillon, M) (Entered: 11/15/2011)
11/15/2011	5	[DISREGARD— ISSUED IN ERROR] PRISONER NEW CASE DOCUMENTS and ORDER RE CONSENT ISSUED; Consent or Decline due by 12/19/2011

		(Dillon, M) Modified on 11/15/2011 (Dillon, M). (Entered: 11/15/2011)
11/15/2011	<u>6</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 3/28/2012 at 10:00 AM in Redding (CMK) before Magistrate Judge Craig M. Kellison. (Attachments: # <u>1</u> Consent Form) (Dillon, M) (Entered: 11/15/2011)
11/15/2011	<u>7</u>	SUMMONS ISSUED as to *Office of Workers' Compensation Programs* with answer to complaint due within *30* days. Attorney *Michael R. Jones* *P.O. Box 872* *Fall River Mills, CA 96028*. (Dillon, M) (Entered: 11/15/2011)
11/15/2011		SERVICE BY MAIL: <u>4</u> Order, <u>6</u> Civil New Case Documents for MCE, <u>7</u> Summons, <u>1</u> Complaint, one USM-285 form served on Michael R Jones. (Dillon, M) (Entered: 11/15/2011)
11/30/2011	<u>8</u>	SUMMONS RETURNED EXECUTED: defendant Office of Workers' Compensation Programs served on 11/30/2011. (Marciel, M) (Entered: 12/01/2011)
12/06/2011	<u>9</u>	CONSENT to JURISDICTION of US MAGISTRATE JUDGE by Michael R Jones. (Zignago, K.) (Entered: 12/07/2011)
12/06/2011	<u>10</u>	CERTIFICATE of SERVICE by Michael R Jones re <u>6</u> Civil New Case Documents. (Zignago, K.) (Entered: 12/07/2011)
12/12/2011	<u>11</u>	CERTIFICATE of SERVICE by Michael R Jones re <u>6</u> Civil New Case Documents. (Becknal, R) (Entered: 12/14/2011)
01/20/2012	<u>12</u>	MOTION for EXTENSION of TIME to FILE ANSWER (<i>Ex Parte, Initial, 30-day</i>) by Office of Workers' Compensation Programs. Attorney Himel, Yoshinori H. T. added. (Himel, Yoshinori) (Entered: 01/20/2012)
01/23/2012	<u>13</u>	SUMMONS RETURNED EXECUTED: Office of Workers' Compensation Programs served on 12/29/2011, answer due 1/19/2012. (Kastilahn, A) (Entered: 01/24/2012)
02/02/2012	<u>14</u>	SUMMONS RETURNED EXECUTED by Michael R Jones. (Becknal, R) (Entered: 02/03/2012)
02/06/2012	<u>15</u>	ORDER signed by Magistrate Judge Craig M. Kellison on 2/6/12: The time for response to the complaint is EXTENDED for an initial period of 30 days, from January 30, 2012, until February 29, 2012. (Kaminski, H) (Entered: 02/06/2012)
02/06/2012		SERVICE BY MAIL: <u>15</u> Order, served on Michael R Jones. (Kaminski, H) (Entered: 02/06/2012)
02/29/2012	<u>16</u>	ANSWER to <u>1</u> Complaint by Office of Workers' Compensation Programs.(Himel, Yoshinori) (Entered: 02/29/2012)
03/21/2012	<u>17</u>	STATUS REPORT by Office of Workers' Compensation Programs. (Himel, Yoshinori) (Entered: 03/21/2012)
03/21/2012	<u>18</u>	STATUS REPORT and proposed discovery plan by Michael R Jones. (Reader, L) (Entered: 03/22/2012)
03/27/2012	<u>19</u>	MOTION to DISALLOW and EXPUNGE <u>17</u> Status Report by Michael R Jones. (Michel, G) (Entered: 03/28/2012)
03/27/2012	<u>20</u>	RESPONSE to <u>17</u> Status Report by Michael R Jones. (Michel, G) (Entered: 03/28/2012)
03/28/2012	<u>21</u>	MINUTES (Text Only) for proceedings held before Magistrate Judge Craig M. Kellison: SCHEDULING CONFERENCE held on 3/28/2012. Formal order to follow. Plaintiffs Counsel Pro Se present. Defendants Counsel Yoshinori Himel present. (Pine, C) (Entered: 03/28/2012)
03/28/2012		SERVICE BY MAIL: <u>21</u> Scheduling Conference served on Michael R Jones. (Pine, C) (Entered: 03/28/2012)
03/29/2012	<u>22</u>	ORDER signed by Magistrate Judge Craig M. Kellison on 3/28/12 ORDERING that any motion for leave to conduct discovery shall be filed no later than July 6,

		2012. (Becknal, R) (Entered: 03/29/2012)
03/29/2012		SERVICE BY MAIL: <u>22</u> Order served on Michael R Jones. (Becknal, R) (Entered: 03/29/2012)
04/04/2012	<u>23</u>	[STRICKEN SEE ORDER <u>30</u>] MOTION to Order Defendants to Produce a Copy of Plaintiff's DOL/OWCP Records by Michael R Jones. (Meuleman, A) Modified on 6/27/2012 (Reader, L). (Entered: 04/05/2012)
04/06/2012	<u>24</u>	OPPOSITION by Office of Workers' Compensation Programs to <u>23</u> MOTION to Order Defendants to Produce a Copy of Plaintiff's DOL/OWCP Records. (Attachments: # <u>1</u> Declaration of Pamela Beauvais)(Himel, Yoshinori) (Entered: 04/06/2012)
04/10/2012	<u>25</u>	REPLY by Michael R Jones to RESPONSE to <u>23</u> MOTION to Order Defendants to Produce a Copy of Plaintiff's DOL/OWCP Records. (Zignago, K.) (Entered: 04/11/2012)
05/11/2012	<u>26</u>	NOTICE of CHANGE of ADDRESS to PO Box 222, McArthur, CA 96056 by Michael R Jones. (Becknal, R) (Entered: 05/15/2012)
05/11/2012	<u>27</u>	REQUEST for minutes by Michael R Jones re 21 Scheduling Conference. (Becknal, R) (Entered: 05/15/2012)
05/11/2012	<u>28</u>	TRANSCRIPT REQUEST by Michael R Jones for proceedings held on 3/28/12 before Judge Craig M. Kellison, (Becknal, R) (Entered: 05/15/2012)
06/19/2012	<u>29</u>	TRANSCRIPT of Initial Scheduling Conference Proceedings held on 03/28/12, before Magistrate Judge Craig M. Kellison. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 7/12/2012. Redacted Transcript Deadline set for 7/20/2012. Release of Transcript Restriction set for 9/17/2012 filed by ECRO Jonathan Anderson, Phone number 916-930-4072 E-mail janderson@caed.uscourts.gov. (Anderson, J) (Entered: 06/19/2012)
06/26/2012	<u>30</u>	ORDER signed by Magistrate Judge Craig M. Kellison on 6/25/2012 ORDERING <u>23</u> that plaintiff's motion for leave to conduct discovery is STRICKEN for violation of Local Rule 230; and this matter is set for a Status Conference set for 7/18/2012 at 10:00 AM in Redding (CMK) before Magistrate Judge Craig M. Kellison. (Reader, L) (Entered: 06/26/2012)
06/26/2012		SERVICE BY MAIL: <u>30</u> Order, served on Michael R. Jones. (Reader, L) (Entered: 06/26/2012)
07/03/2012	<u>31</u>	MOTION to COMPEL PRODUCTION of plaintiff's case file records, leave to conduct discovery, objections to <u>30</u> Order, and correction in the 3/28/12 initial status conference transcript, by Michael R. Jones. (Kastilahn, A) (Entered: 07/05/2012)
07/13/2012	<u>32</u>	MOTION to DISMISS for LACK of JURISDICTION by Office of Workers' Compensation Programs. Motion Hearing set for 8/29/2012 at 10:00 AM in Redding (CMK) before Magistrate Judge Craig M. Kellison. (Himel, Yoshinori) (Entered: 07/13/2012)
07/13/2012	<u>33</u>	STATUS REPORT by defendant Office of Workers' Compensation Programs. (Himel, Yoshinori) Modified on 7/16/2012 (Marciel, M) (Entered: 07/13/2012)
07/18/2012	34	(Text Only – No Document Attached) STATUS CONFERENCE held before Magistrate Judge Craig M. Kellison on 7/18/2012. Plaintiff Pro Se present. Defendant's Counsel Yoshinori Himel present. (Pine, C) (Entered: 07/18/2012)
07/18/2012		SERVICE BY MAIL: 34 Status Conference served on Michael R. Jones. (Pine, C) (Entered: 07/18/2012)
08/01/2012	<u>35</u>	AMENDED <u>32</u> MOTION to DISMISS and JUDGMENT on the PLEADINGS by Office of Workers' Compensation Programs. Motion Hearing set for 8/29/2012 at 10:00 AM in Redding (CMK) before Magistrate Judge Craig M. Kellison.

		(Attachments: # <u>1</u> Declaration of Antonio Rios, # <u>2</u> Supplemental Declaration of Pamela Beauvais (Himel, Yoshinori) Modified on 8/3/2012 (Kaminski, H). (Entered: 08/01/2012)
08/03/2012	<u>36</u>	ORDER signed by Magistrate Judge Craig M. Kellison on 8/2/2012. Defendants directed to file redacted Declarations forthwith. Clerk shall delete any link or reference to unredacted Declarations from public record. (Marciel, M) (Entered: 08/03/2012)
08/03/2012		SERVICE BY MAIL: <u>36</u> Order requiring defendants to file redacted declarations served on plaintiff Michael R. Jones. (Marciel, M) (Entered: 08/03/2012)
08/03/2012	<u>37</u>	DECLARATION of Antonio Rios in Support of <u>35</u> Amended <u>32</u> Motion to Dismiss and for Judgment on Pleadings. (Attachments: # <u>1</u> Declaration with Exhibits 1–6, # <u>2</u> Exhibits 7–13, # <u>3</u> Exhibits 14–20)(Himel, Yoshinori) Modified on 8/6/2012 (Becknal, R). (Entered: 08/03/2012)
08/07/2012	<u>38</u>	OPPOSITION by Michael R. Jones to <u>32</u> Motion to Dismiss. (Becknal, R) (Entered: 08/09/2012)
08/13/2012	<u>39</u>	TRANSCRIPT of Status Conference Proceedings held on 07/18/2012, before Magistrate Judge Craig M. Kellison. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 9/4/2012. Redacted Transcript Deadline set for 9/13/2012. Release of Transcript Restriction set for 11/13/2012 filed by ECRO Jonathan Anderson, Phone number 916–930–4072 E–mail janderson@caed.uscourts.gov. (Anderson, J) (Entered: 08/13/2012)
08/16/2012	<u>40</u>	OPPOSITION by Plaintiff Michael R. Jones to <u>35</u> Defendants' Amended Motion to Dismiss and for Judgment on Pleadings. (Attachments: # <u>1</u> Opposition to Motion (Cont'd))(Kastilahn, A) (Entered: 08/17/2012)
08/22/2012	<u>41</u>	REPLY by Office of Workers' Compensation Programs to RESPONSE to <u>35</u> Amended <u>32</u> Motion to Dismiss and for Judgment on Pleadings Amended <u>32</u> Motion to Dismiss and for Judgment on Pleadings, <u>32</u> Motion to Dismiss. (Himel, Yoshinori) (Entered: 08/22/2012)
08/29/2012	<u>42</u>	MINUTES (Text Only) for proceedings held before Magistrate Judge Craig M. Kellison: MOTION HEARING held on 8/29/2012. Plaintiffs Counsel In Pro Se present. Defendants Counsel Yoshinori Himel present. (Pine, C) (Entered: 08/29/2012)
08/29/2012		SERVICE BY MAIL: <u>42</u> Motion Hearing served on Michael R. Jones. (Pine, C) (Entered: 08/29/2012)
09/11/2012	<u>43</u>	NOTICE OF LODGING DOCUMENT IN PAPER by Michael R. Jones: Plaintiff's Exhibits 50 and 51, Entire Department of Labor and Office of Workers' Compensation Programs Case Files/Records. [Rec'd 9/10/2012, routed to File Room] (Michel, G) (Entered: 09/11/2012)
10/22/2012	<u>44</u>	FINDINGS and RECOMMENDATIONS signed by Magistrate Judge Craig M. Kellison on 10/19/12 RECOMMENDING that the <u>35</u> Amended Motion to Dismiss be granted; plaintiff's access claim be dismissed with prejudice as moot; plaintiff's amendment claim be dismissed without prejudice and without leave to amend as unexhausted; plaintiff's claim for benefits be dismissed with prejudice as an impermissible collateral challenge to the underlying agency decisions; plaintiff's catch-all damages claim be dismissed with leave to amend; and plaintiff's <u>31</u> Motion for discovery be denied without prejudice to renewal, at the earliest, following filing of an amended complaint. Objections to these Fdue within 14 days; motions and case referred to Judge Morrison C. England, Jr. (Benson, A.) (Entered: 10/22/2012)
10/22/2012		SERVICE BY MAIL: <u>44</u> Findings and Recommendations served on Michael R. Jones. (Benson, A.) (Entered: 10/22/2012)

11/16/2012	<u>45</u>	EX PARTE APPLICATION for Initial Three–Week Extension of Time to respond to Objection to <u>44</u> Findings and Recommendations by Office of Workers' Compensation Programs. (Himel, Yoshinori) Modified on 11/19/2012 (Marciel, M) (Entered: 11/16/2012)
11/16/2012	<u>46</u>	OPPOSITION by plaintiff Michael R. Jones to defendants' <u>45</u> Ex Parte Application for Initial 3–Week Extension of Time to respond to Objections for <u>44</u> Findings and Recommendations. (Marciel, M) (Entered: 11/19/2012)
11/26/2012	<u>47</u>	SECOND OPPOSITION by Plaintiff Michael R. Jones to <u>45</u> Ex Parte Application for Initial 3–Week Extension of Time. (Attachments: # <u>1</u> Attachment 1–6, # <u>2</u> Attachment 7, Part 1, # <u>3</u> Attachment 7, Part 1.b, # <u>4</u> Attachment 7, Part 2, # <u>5</u> Attachment 7, Part 2.b, # <u>6</u> Attachment 7, Part 2.c, # <u>7</u> Attachment 8, # <u>8</u> Attachment 9)(Meuleman, A). MAINTAINED ON PAPER. Modified on 11/27/2012 (Meuleman, A). (Entered: 11/27/2012)
12/06/2012	<u>48</u>	ORDER granting <u>45</u> Motion for an extension of time signed by Magistrate Judge Craig M. Kellison on 12/5/12: Defendant may file a response to plaintiff's objections to the court's October 22, 2012, findings and recommendations by December 12, 2012. (Kaminski, H) (Entered: 12/06/2012)
12/06/2012		SERVICE BY MAIL: <u>48</u> Order, served on Michael R. Jones. (Kaminski, H) (Entered: 12/06/2012)
12/11/2012	<u>49</u>	OPPOSITION by Plaintiff Michael R. Jones to <u>48</u> Order. (Kastilahn, A) (Entered: 12/12/2012)
12/12/2012	<u>50</u>	RESPONSE by Office of Workers' Compensation Programs to <u>47</u> Opposition. (Himel, Yoshinori) Modified on 12/12/2012 (Meuleman, A). (Entered: 12/12/2012)
12/26/2012	<u>51</u>	REPLY by Michael R. Jones to <u>50</u> Response. (Zignago, K.) (Entered: 12/27/2012)
01/17/2013	<u>52</u>	ORDER signed by Magistrate Judge Craig M. Kellison on 1/16/2013 ORDERING <u>19</u> that plaintiff's motion to disallow and expunge is DENIED. (Reader, L) (Entered: 01/17/2013)
01/17/2013		SERVICE BY MAIL: <u>52</u> Order on Motion, served on Michael R. Jones. (Reader, L) (Entered: 01/17/2013)
01/28/2013	<u>53</u>	OPPOSITION by Plaintiff Michael R. Jones to <u>52</u> Order on Motion to Strike. (Kastilahn, A) (Entered: 01/29/2013)
02/05/2013	<u>54</u>	NOTICE of inaccessibility of P.O. Box 222, McArthur, CA by Michael R. Jones. (Michel, G) (Entered: 02/06/2013)
02/05/2013	<u>55</u>	NOTICE of accessibility of P.O. Box 222, McArthur, CA by Michael R. Jones. (Michel, G) (Entered: 02/06/2013)
02/26/2013	<u>56</u>	ORDER signed by Chief Judge Morrison C. England, Jr on 2/25/13 ORDERING that the findings and recommendations filed October 22, 2012 <u>44</u> are ADOPTED IN FULL; Defendant's motion to dismiss <u>32</u> and <u>35</u> is GRANTED; Plaintiff's access claim is DISMISSED with prejudice as moot; Plaintiff's amendment claim is DISMISSED without prejudice and without leave to amend as unexhausted; Plaintiff's claim for benefits is DISMISSED with prejudice as an impermissible collateral challenge to the underlying agency decisions; Plaintiff's catch–all damages claim is DISMISSED with leave to amend; and Plaintiff's motion for discovery <u>31</u> is DENIED without prejudice to renewal, at the earliest, following filing of an amended complaint; and Plaintiff shall file an amended complaint, if he chooses to do so, within thirty (30) days from the date this Order is electronically filed. If no amended pleading is filed within 30 days, the Court will dismiss Plaintiff's catch–all damages claim with prejudice and will direct the Clerk of the Court to close this case. (Becknal, R) (Entered: 02/26/2013)
02/26/2013		SERVICE BY MAIL: <u>56</u> Order served on Michael R. Jones. (Becknal, R) (Entered: 02/26/2013)
03/11/2013	<u>57</u>	OBJECTIONS to <u>56</u> Order Adopting Findings and Recommendations by Plaintiff Michael R. Jones. (Michel, G) (Entered: 03/12/2013)

03/25/2013	<u>58</u>	RESPONSE by Michael R. Jones to <u>56</u> Order. (Kaminski, H) (Entered: 03/26/2013)
05/13/2013	<u>59</u>	ORDER signed by Chief Judge Morrison C. England, Jr on 5/10/13 DISMISSING Plaintiff's catch-all damages claim WITH PREJUDICE; and the Clerk of the Court is DIRECTED to enter judgment of DISMISSAL WITH PREJUDICE on all claims and close this case. CASE CLOSED. (Meuleman, A) (Entered: 05/13/2013)
05/13/2013	<u>60</u>	JUDGMENT dated *5/13/13* pursuant to order signed by Chief Judge Morrison C. England, Jr on 5/10/13. (Meuleman, A) (Entered: 05/13/2013)
05/13/2013		SERVICE BY MAIL: <u>59</u> Order Dismissing Case, <u>60</u> Judgment served on Michael R. Jones. (Meuleman, A) (Entered: 05/13/2013)